

United States District Court

SOUTHERN DISTRICT OF NEW YORK

Edwin Tolbert, Jr.

Index No. 07 CV8232

against

Lowe's Home Centers

Plaintiff(s) Petitioner(s)

Calendar No.

AFFIDAVIT
OF
SERVICE

being sworn

ORANGE COUNTY, NEW YORK STATE:

MICHAEL CRUDELE

says: Deponent is not a party herein, is over 18 years of age and resides at
 On 9-26-07 2007 at 845 A.M., at 206 Rte 303 orangeburg N.Y
 deponent served the within summons with notice
 summons and complaint
 notice of petition and petition
 subpoena subpoena duces tecum

66 Hickory Drive, Campbell Hall, NY

summons, Spanish summons and complaint, the language required by NYCRP
 2900.2(c), (f) & (h) was set forth on the face of the summons(es)
 citation
 United States District Court

on Lowe's Home Centers

defendant (hereinafter
 respondent called therein named
 witness the recipient)

INDIVIDUAL 1. by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

CORPORATION 2. by delivering thereto a true copy of each to John - Me Swegan
 personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be
 Admen manager thereof

SUITABLE AGE PERSON 3. by delivering thereto a true copy of each to a person of suitable age and discretion. Said premises is recipient's actual place of business dwelling place usual place of abode within the state.

AFFIXING TO DOOR, ETC. 4. by affixing a true copy of each to the door of said premises, which is recipient's actual place of business dwelling place usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereto, having called there-

Deponent talked to at said premises who stated that recipient lived worked there.

MAILING TO RESIDENCE USE WITH 3 OR 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's known residence, at
 5A. and deposited said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO BUSINESS USE WITH 3 OR 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at
 5B. in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Person and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney concerned an action against the recipient.

| | | | | | | | |
|-------------|--|--|--|---|--|---|---|
| DESCRIPTION | <input checked="" type="checkbox"/> Male | <input checked="" type="checkbox"/> White Skin | <input type="checkbox"/> Black Hair | <input type="checkbox"/> White Hair | <input type="checkbox"/> 14-20 Yrs. | <input type="checkbox"/> Under 5' | <input type="checkbox"/> Under 100 Lbs. |
| | <input type="checkbox"/> Female | <input type="checkbox"/> Black Skin | <input checked="" type="checkbox"/> Brown Hair | <input type="checkbox"/> Balding | <input type="checkbox"/> 21-35 Yrs. | <input type="checkbox"/> 50"-53" | <input type="checkbox"/> 100-130 Lbs. |
| | | <input type="checkbox"/> Yellow Skin | <input type="checkbox"/> Blonde Hair | <input type="checkbox"/> Mustache | <input checked="" type="checkbox"/> 36-50 Yrs. | <input type="checkbox"/> 54"-58" | <input type="checkbox"/> 131-160 Lbs. |
| | | <input type="checkbox"/> Brown Skin | <input type="checkbox"/> Gray Hair | <input type="checkbox"/> Beard | <input type="checkbox"/> 51-65 Yrs. | <input checked="" type="checkbox"/> 59"-60" | <input type="checkbox"/> 161-200 Lbs. |
| | | <input type="checkbox"/> Red Skin | <input type="checkbox"/> Red Hair | <input checked="" type="checkbox"/> Glasses | <input type="checkbox"/> Over 65 Yrs. | <input type="checkbox"/> Over 6' | <input checked="" type="checkbox"/> Over 200 Lbs. |

Other identifying features:

WITNESS FEES 5 the authorizing traveling expenses and one day's witness fee: was paid (tendered) to the recipient
 was mailed to the witness with subpoena copy.

MILITARY SERVICE I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.
 Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Michael Crudele